

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
SEP 26 2006



EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
Plaintiff, )  
v. )  
SARA LEE CORPORATION, d/b/a )  
SARA LEE BAKERY GROUP, )  
Defendant. )  
\_\_\_\_\_  
)

CIVIL ACTION NO. 06-4176

**COMPLAINT**

**Jury Trial Demanded**

**NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race and to provide appropriate relief to employees denied promotions because they are black, including James Meier, Rickey Johnson, and George Clark, Jr. The EEOC alleges that Sara Lee Corporation, d/b/a Sara Lee Bakery Group (hereinafter "SLBG" or "Employer") denied promotions to foremen positions to black employees because of their race.

**JURISDICTION AND VENUE**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) and 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3) and -6 ("Title VII").

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for South Dakota.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Sections 706(f)(1) and (3) and 707 of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3) and -6.

4. At all relevant times, Defendant Employer SLBG has continuously been doing business in the State of South Dakota and the City of Sioux Falls, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, James Meier, Rickey Johnson, and George Clark, Jr. filed charges with the Commission alleging violations of Title VII by Defendant Employer SLBG. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least 2003, Defendant Employer has engaged in unlawful employment practices at its Sioux Falls facility, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a). Defendant Employer failed and refused to promote its black employees to positions of foremen because of their race. Specifically, Defendant Employer failed and refused to promote James Meier, Rickey Johnson, and George Clark, Jr., and other persons similarly situated, because of their race, black.

8. The effect of the practice(s) complained of in paragraph(s) above has been to deprive James Meier, Rickey Johnson, and George Clark, Jr., and other persons similarly situated of equal employment opportunities and otherwise adversely affect their status as employees, because of their race.

9. The unlawful employment practices complained of above were and are intentional.

10. The unlawful employment practices complained of in paragraphs above were and are done with malice or with reckless indifference to the federally protected rights of James Meier, Rickey Johnson, and George Clark, Jr., and others similarly situated.

PRAAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from

engaging in discrimination with respect to promotions and any other employment practice which discriminates on the basis of race.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for African-Americans, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole James Meier, Rickey Johnson, and George Clark, Jr. and others similarly situated, by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to rightful-place promotion.

D. Order Defendant Employer to make whole James Meier, Rickey Johnson, and George Clark, Jr. and others similarly situated, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, in amounts to be determined at trial.

E. Order Defendant Employer to make whole James Meier, Rickey Johnson, and George Clark, Jr. and others similarly situated by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of above, including emotional pain, suffering, inconvenience, and humiliation, in amounts to be determined at trial.

F. Order Defendant Employer to pay James Meier, Rickey Johnson, and George Clark, Jr. and others similarly situated punitive damages for its malicious and reckless conduct described above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

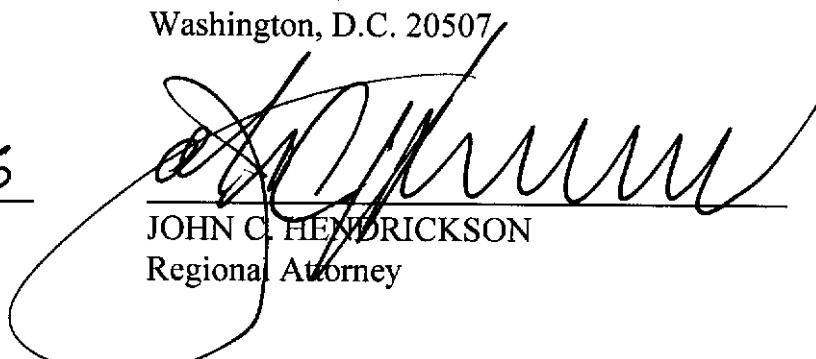
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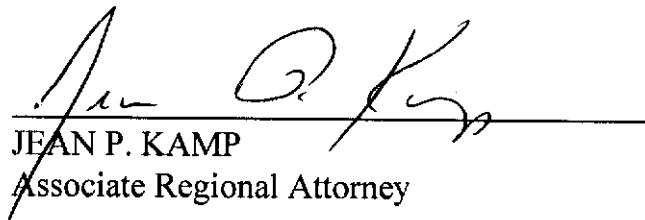
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